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C O N F I D E N T I A L SECTION 01 OF 02 BUCHAREST 001884

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SUBJECT: ROMANIAN PARLIAMENT PASSES RELIGION LAW

Classified By: DCM Mark Taplin for reasons 1.4 (b) and (d)

¶1. (SBU) The Romanian Parliament in plenary session passed on December 13 a new religion law that has provoked criticism from human rights NGOs and the Helsinki Commission. It was approved by 220 deputies out of 224 present. It appears similar to an earlier draft that was withdrawn in March 2006.

It calls for establishment of a three-tiered system for registering religious groups that discriminates against minority religions and includes a requirement that religious groups have 12 years of uninterrupted activity before becoming a recognized religion. In addition, the law requires religious groups already registered to submit to re-registration and imposes tougher conditions for the registration of religious associations than for other kinds of civic associations. The law could also hinder the restitution of religious properties currently in the hands of the Orthodox Church back to the Greek Catholic Church, as these properties may no longer be subject to court rulings. The law also includes a provision that forbids "religious defamation" as well as any public offense to religious symbols -- the article in the law that has attracted the most negative attention in Romania to date.

¶2. (C) Poloffs expressed concern about the religion law in a meeting on December 13 with Brandusa Predescu, MFA Director for OSCE, Council of Europe, and Human Rights. We noted the draft law's possible impact on religious freedom and noted that parliament appeared ready to pass the law despite the concerns of some human rights groups and minority religions. Predescu said she was sensitive to the human rights concerns surrounding the draft law but argued that she could not imagine Romania taking a negative step affecting religious freedom on the eve of EU accession. She was also sensitive to the possible impact of passage of the religion law on Romania's desire to host an OSCE conference on Tolerance in ¶2007. Poloffs also raised Embassy concerns with the law with parliamentary leaders from leading political parties, including PD, PNL, and PSD.

¶3. (C) DCM also discussed the issue with Amb. Teodor Baconschi, chief political advisor to President Basescu, in a phone call on December 15. (Baconschi, the former second-ranking official at the MFA and former Romanian ambassador to the Vatican, is one of the country's leading theological scholars.) Baconschi agreed to meet after he and we had had an opportunity to examine the final version of the law passed by parliament. He said he was prepared to convey our concerns and to take them to President Basescu for his consideration. Baconschi added that he had an overall positive view of the law, as Romania had been waiting to replace the Ceausescu-era religion law for the past 17 years. He added that if there existed "a positive consensus" about the law, the President would likely sign it. Baconschi noted that the President can only return the law to Parliament for

revision once, and that he could therefore not do so lightly.

14. (SBU) Areas of concern in the new law include:

--Establishment of three tiers of religious organizations conferring different levels of privilege to the different tiers.

--In order to have full status, a religion must prove that "it is constituted legally and has been functioning as a religious association on the territory of Romania for 12 years."

--Religions must have a membership of "Romanian citizens residing in Romania equal to at least 0.1 per cent of the population" based upon the latest census. We understand that the threshold is much higher than most European countries, which typically have no thresholds or extremely low thresholds.

--Religious associations must be made up of at least 300 people who are Romanian citizens or residents. This number is significantly higher than the requirement for other kinds of civic association under Romanian law.

--Prohibitions against "any forms, means, acts, or actions of religious defamation" as well as a vaguely worded prohibition against "public offense to religious symbols." Some NGOs and media commentators fear this provision of the law, Article 13, could be used to block criticism or critiques of religion in Romania, thus violating provisions of the Romanian constitution guaranteeing freedom of expression.

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--A requirement that "patrimony disputes among recognized religions be solved amicably, or, if this is not possible, according to the common right." This article does not mention allowing for judicial review and could enable the Orthodox Church to retain possession of Greek Catholic properties seized in 1948 more easily.

--The law lists 18 religions in its appendix. Article 49(2) requires that within twelve months from the date this law is effective that all of these religions resubmit their documentation to the Ministry of Culture and Religious Affairs in order to be recognized as Religions. Some critics argue that it would have been better to grandfather these 18 religions than require they submit to a new bureaucratic process.

15. (C) Comment: Embassy hopes to meet with Presidential Counselor Baconschi to discuss our concerns before the holidays. At this point the only apparent remedies are for President Basescu to return the law to parliament for revisions during his 20 day review period or for the law's constitutionality to be challenged in the Constitutional Court. The apparent near unanimity in the Dec. 13 vote in favor of the law suggests it would be politically uncomfortable for President Basescu to force the Parliament to take a second look. End Comment.

TAUBMAN